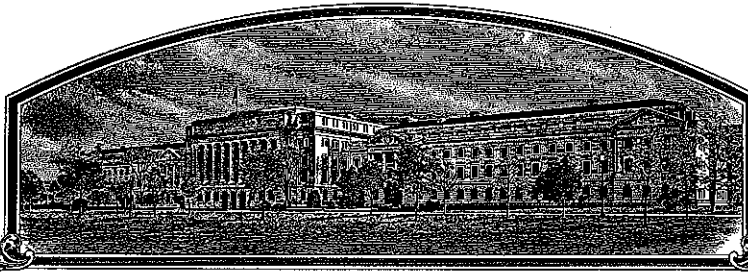


No.

200700375



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Central Valley Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC SUBMITTAL OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Sidewinder'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this second day of October, in the year two thousand and eight.

Attest:

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>CENTRAL VALLEY SEEDS, INC.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME CVX-85M	3. VARIETY NAME <b>SIDEWINDER</b> <i>Sidewinder</i> 8/13/08
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>485 VICTOR WAY, SUITE 10 SALINAS, CA 93907</b>		5. TELEPHONE (include area code) (831) 757-0939	<b>FOR OFFICIAL USE ONLY</b> PVPO NUMBER <b>#200700375</b> FILING DATE <i>July 18, 2007</i>
		6. FAX (include area code) (831) 757-6829	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>CORPORATION</b>	8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>CA</b>	9. DATE OF INCORPORATION <b>April 14, 1987</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>TONY M. AVILA CENTRAL VALLEY SEEDS, INC. 485 VICTOR WAY, SUITE 10 SALINAS, CA 93907</b>			

K E E P R E C E I V E D	FILING AND EXAMINATION FEES:	
	\$	<b>4,382.00</b>
	DATE	<b>7/18/2007</b>
	CERTIFICATION FEE:	
	\$	<b>768.00</b>
	DATE	<b>8/25/2008</b>

11. TELEPHONE (include area code) (831) 757-0939	12. FAX (include area code) (831) 757-6829	13. E-MAIL
14. CROP KIND (Common Name) <b>Lettuce</b>	16. FAMILY NAME (Botanical) <b>Asteraceae</b>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.
15. GENUS AND SPECIES NAME OF CROP <b>Lactuca sativa L.</b>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input type="checkbox"/> NO	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23)
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER <i>Tony M. Avila</i>		SIGNATURE OF OWNER	
NAME (Please print or type) <b>Tony M. Avila</b>		NAME (Please print or type)	
CAPACITY OR TITLE <b>V.R. Sales &amp; Research</b>	DATE <b>07-16-07</b>	CAPACITY OR TITLE	DATE

(See reverse for instructions and information collection burden statement)

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**Plant Variety Protection Office**

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

**ITEM**

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
(1) identify these varieties and state all differences objectively;  
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

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**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

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7/25/06

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**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

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**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**Exhibit A. Origin & Breeding History of Lettuce cv. Sidewinder (CVX-85M)**

Cv. Sidewinder (CVX-85M) crisphead lettuce variety, a Vanguard type, was originated in 1998 from a man made cross between 'Winterset' crisphead lettuce used as a male and 'Diamond Back' (Central Valley Seeds, Inc. PVP No. 9900173) crisphead lettuce as a female. Winterset was primarily selected as a parent for its larger head weight, size and preferable butt appearance. In contrast, the Diamond back variety was selected as the second parent for its smooth to semi-undulated leaf margins, dark green leaf color, moderately savoyed leaves, resistance to tip burn and adaptability for the fall planting in the desert regions of California and Arizona.

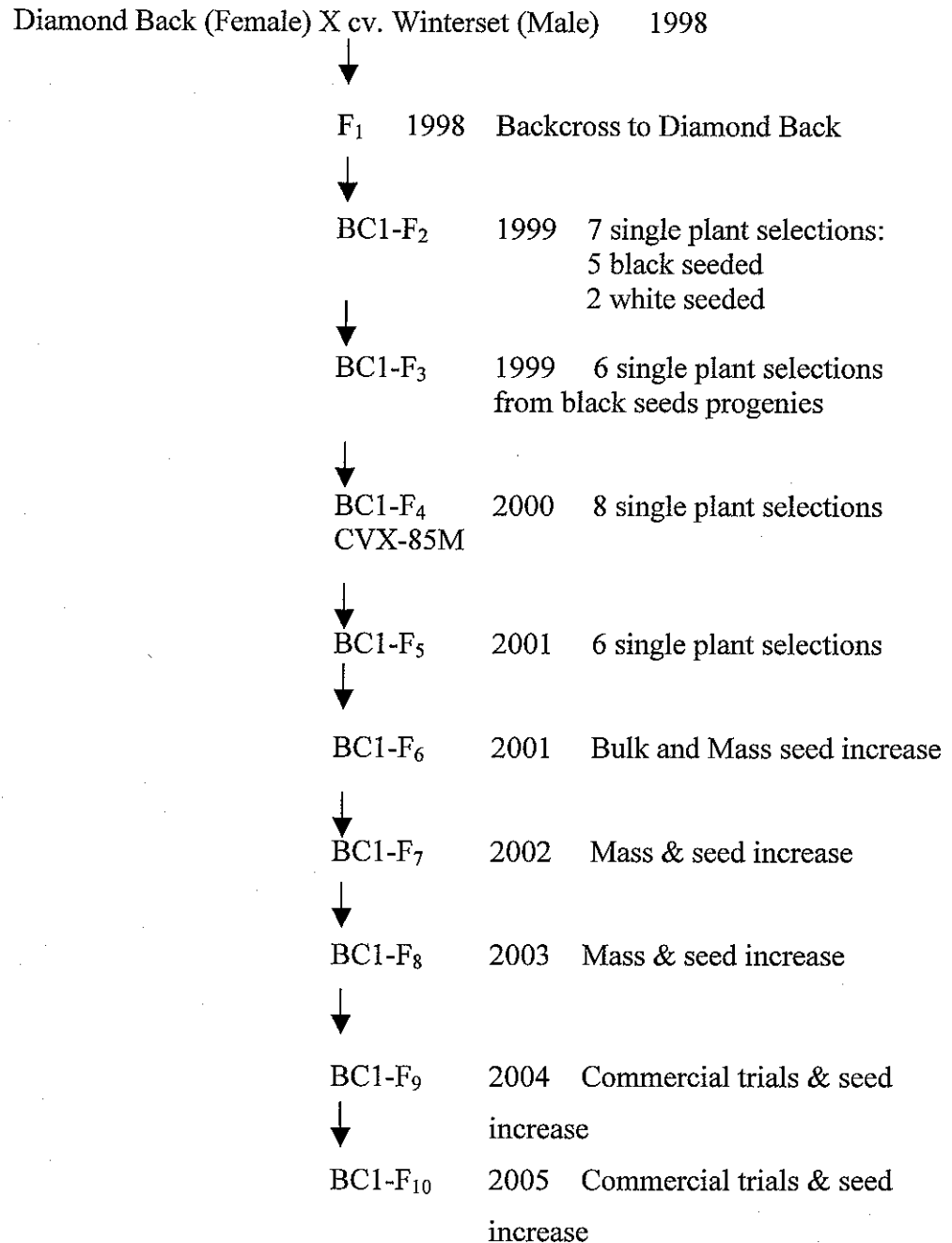
The F<sub>1</sub> cross was backcrossed once to the female parent cv. Diamond Back and the BC<sub>1</sub>-F<sub>1</sub> plants were selfed. Single plant selections were made in subsequent years in the commercial lettuce growing regions of California and Arizona. By the F<sub>5</sub> generation, a group of six families was deemed to be genetically stable and uniform. At this stage the plants looked very uniform for larger frame size, rounded and uniform heads with large wrapper leaves almost covering the entire head, resistances to tip burn, sunscald and bolting, dark green leaf color, fine leaf margins and 100% heading. The plants were bulked for seed increase and trial purposes. The trials were conducted starting from 2004 in the lettuce growing regions of California and Arizona.

Single plant selection and mass plant selection was used as a breeding method for the development of cv. Sidewinder. The selection criteria during the development of cv. Sidewinder were:

- a. Large frame and weight with rounded and uniform heads with a large wrapper leaves covering almost the entire head.
- b. Resistances to tip burn, sunscald and bolting.
- c. Darker green leaf color with fine leaf margins, 100% heading and larger core diameter.

Observing thousand of plants during extensive field and commercial trials, covering F<sub>5</sub> to F<sub>10</sub> generations, cv. Sidewinder deemed to be genetically uniform and stable. No variants or off types were observed.

**Exhibit A. Origin & Breeding History of Lettuce cv. Sidewinder (CVX-85M)**  
**Pedigree of cv. Sidewinder**



## Exhibit B. Statement Of Distinctness

### Statistical Analysis

Measurable characteristics were assessed in several localities or dates and the results were analyzed separately. Unless otherwise indicated, the statistical analyses were performed using T-test. The results presented in actual t-value and probability values  $p[t]$ . The standard of deviation for each variety in the comparisons is presented in Sigma value. LSD mean 95% corresponds to Least Significant Difference between the means at the 95% probability level.

### Statement Of Distinctness

Cv. Sidewinder (CVX-85M) belongs to the crisphead Vanguard type lettuce, *Lactuca sativa* L. varieties. 'Sidewinder' is described as a vigorous cultivar and adapted for the Central California warm regions (i.e. San Joaquin Valley) and Arizona desert. 'Sidewinder' was selected for larger weight with rounded and uniform heads with a large wrapper leaves covering almost the entire head. Other selection criteria were resistances to tip burn, sunscald and bolting. Phenotypically, cv. Sidewinder is distinct from most of the commercial crisphead cultivars and in particular to its most similar variety grown under the same period and environmental conditions, cv. Diamond back.

Cv. Sidewinder also varies from cv. Diamond Back in that in average it has a larger head diameter (15.82 cm Vs. 15.25 cm), its' weight is significantly heavier (1101.25 g Vs. 1003.42 g), its' core length is significantly longer (5.51 cm Vs. 5.03 cm), its' core diameter at the base is larger (3.94 cm Vs. 3.71 cm), its' leaf length is longer (27.10 cm Vs. 24.89 cm), and its' leaf width is greater (36.41 cm Vs. 32.83 cm). Furthermore, cv. Sidewinder also varies from cv. Diamond Back in the core shape based on the core volume coefficient calculations (21.65 Vs. 17.41) and also based on the leaf area coefficient (1047.14 Vs. 905.13).

**Additional Examples**

Cv. Sidewinder is most similar to cv. Diamond Back; however, cv. Sidewinder is significantly different than cv. Diamond Back based on the following measurements:

Variable	†Trial Location	No. Plants	t*-value	p[t*]	Avg. Sidewinder	Avg. Diamond Back	LSD Mean 95%	Sigma
Head Diameter (cm)	1	10	2.848	0.014	16.60	15.96	0.50	0.84
	2	10	3.650	0.002	15.77	15.33	0.27	0.44
	3	10	4.416	0.000	15.67	15.08	0.30	0.50
	4	10	3.143	0.008	15.47	15.06	0.29	0.48
	5	10	2.968	0.011	16.25	15.75	0.37	0.62
	6	10	3.761	0.002	16.19	15.61	0.34	0.57
	7	10	2.983	0.011	15.27	14.73	0.40	0.68
	8	10	5.321	0.000	15.15	14.47	0.29	0.48
<b>Average</b>					<b>15.80</b>	<b>15.25</b>		

Plant Weight (g)	1	10	5.101	0.000	1166.67	1058.00	47.64	79.43
	2	10	4.639	0.000	1122.67	1026.00	46.59	77.69
	3	10	4.379	0.000	924.00	846.00	39.86	66.47
	4	10	4.437	0.000	932.00	834.67	49.05	81.79
	5	10	5.699	0.000	1184.00	1067.33	45.77	76.32
	6	10	3.906	0.001	1133.33	1044.00	51.14	85.28
	7	10	3.699	0.002	1121.33	1088.67	68.11	113.57
	8	10	5.528	0.000	1230.00	1062.67	67.69	112.87
<b>Average</b>					<b>1101.75</b>	<b>1003.42</b>		

Leaf Length (cm)	1	10	4.120	0.001	26.17	24.09	1.13	1.88
	2	10	7.243	0.000	25.93	23.79	0.66	1.10
	3	10	4.776	0.000	28.67	26.65	0.94	1.57
	4	10	5.894	0.000	27.81	25.25	0.97	1.62
	5	10	8.225	0.000	27.05	24.00	0.83	1.38
	6	10	4.688	0.000	25.83	23.99	0.88	1.46
	7	10	4.107	0.001	27.93	25.97	1.07	1.78
	8	10	3.726	0.002	27.39	25.39	1.20	2.01
<b>Average</b>					<b>27.10</b>	<b>24.89</b>		

Leaf width (cm)	1	10	7.260	0.000	37.39	32.80	1.35	2.24
	2	10	10.90	0.000	36.43	31.98	0.98	1.63
	3	10	4.477	0.000	33.13	30.76	1.19	1.98
	4	10	6.818	0.000	33.27	29.88	1.11	1.85
	5	10	7.928	0.000	37.36	33.03	1.22	2.04
	6	10	7.949	0.000	37.74	33.30	1.25	2.08
	7	10	4.519	0.000	37.73	35.25	1.22	2.04
	8	10	2.764	0.017	38.20	35.66	2.05	3.43
<b>Average</b>					<b>36.41</b>	<b>32.83</b>		

Core Diameter (cm)	1	10	4.175	0.001	3.96	3.75	0.11	0.19
	2	10	5.885	0.000	3.90	3.67	0.09	0.15
	3	10	5.741	0.000	3.95	3.66	0.11	0.19
	4	10	5.682	0.000	3.92	3.59	0.13	0.22
	5	10	4.677	0.000	3.91	3.73	0.09	0.14
	6	10	5.015	0.000	3.94	3.69	0.11	0.18

	7	10	3.211	0.006	3.97	3.84	0.09	0.15
	8	10	6.648	0.000	3.98	3.73	0.08	0.14
<b>Average</b>					<b>3.94</b>	<b>3.71</b>		

Core Length (cm)	1	10	2.449	0.033	5.72	5.46	0.24	0.40
	2	10	2.689	0.020	5.67	5.33	0.29	0.48
	3	10	4.795	0.000	5.43	4.79	0.30	0.50
	4	10	4.813	0.000	5.31	4.91	0.19	0.32
	5	10	5.626	0.000	5.79	5.26	0.21	0.35
	6	10	3.398	0.004	5.72	5.32	0.26	0.44
	7	10	5.136	0.000	5.18	4.49	0.30	0.50
	8	10	4.107	0.001	5.29	4.68	0.33	0.55
<b>Average</b>					<b>5.51</b>	<b>5.03</b>		

Core Volume Coefficient	1	10	4.564	0.000	22.65	20.46	1.07	1.79
	2	10	4.687	0.000	22.11	19.55	1.22	2.03
	3	10	7.258	0.000	21.46	17.52	1.21	2.03
	4	10	7.753	0.000	20.81	17.61	0.92	1.54
	5	10	6.543	0.000	22.65	19.64	1.03	1.71
	6	10	5.664	0.000	22.54	19.65	1.14	1.90
	7	10	5.880	0.000	20.55	17.25	1.25	2.09
	8	10	6.261	0.000	21.65	17.41	1.30	2.17

Leaf area coefficient	1	10	6.915	0.000	979.33	790.96	60.91	101.57
	2	10	10.181	0.000	945.59	761.07	40.53	67.58
	3	10	5.475	0.000	951.30	820.06	53.60	89.39
	4	10	7.580	0.000	926.04	755.14	50.42	84.07
	5	10	9.428	0.000	1011.37	793.07	51.78	86.33
	6	10	7.913	0.000	975.28	799.11	49.78	83.01
	7	10	5.794	0.000	1054.35	915.17	53.71	89.56
	8	10	4.325	0.000	1047.14	905.13	73.41	122.41

## †Field Trial Locations:

1. D'Arrigo Bros., Section 31-4, Lot 7, Huron, California. Water date: 8/28/2005, Evaluation date: 11/7/2005
2. Higard Farms, Ranch 29-4, Lot 4, Huron, California. Water date: 8/26/2005, Evaluation date: 11/2/2005.
3. Tacna, Arizona, Water date: 9/16/2004, Evaluation date: 12/3/2004.
4. T&P Farms, San Luis, Arizona. Water date: 9/17/2004, Evaluation date: 11/30/2004. *Yuma County* *Ray 8/13/08*
5. Anderson Farms, Ranch 31-4 Lot 3, Huron, California. Water date: 8/28/2005, Evaluation date: 11/8/2005.
6. D'Arrigo Bros., Section 30-1, Lot 6, Huron, California. Water date: 8/25/2005, Evaluation date: 10/28/2005.
7. CVS R&D, Lot 2, Winterhaven, California. Water date: 9/22/2004, Evaluation date: 12/15/2004.
8. CVS R&D, Winterhaven, California. Water date: 9/28/2004, Evaluation date: 12/29/2004.

▼Core Volume Coefficient: The core volume coefficient is simply calculated by taking the core length and multiplied by diameter<sup>2</sup>.

►Leaf area coefficient: Comparing leaf areas between the two varieties. This is calculated by multiplying the leaf width by the leaf length.



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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY  
Lettuce (*Lactuca sativa* L.)

NAME OF APPLICANT(S) <i>Central Valley Seeds, Inc.</i>	TEMPORARY OR EXPERIMENTAL DESIGNATION <i>CVX-85M</i>	VARIETY NAME <i>Sidewinder</i>
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country)		FOR OFFICIAL USE ONLY PVPO NUMBER <i>#200700375</i>

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in the first box (e.g.    or   ) when number is either 99 or less or 9 or less. Measured data should be the mean of an appropriate number (at least 20) of well space plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The Location of the Test Area is: <i>California, Arizona deserts</i>	Color System Used: <i>Munsell</i>
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SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties, which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Application Variety (a1) *Sidewinder* Most Similar Variety (c1) *Diamond Back*

Standard Regional Check Variety (c2) \_\_\_\_\_

1. PLANT TYPE: (See List of Suggested Check Varieties on Page 8)

01 = Cutting/Leaf  
02 = Butterhead  
03 = Bibb

04 = Cos or Romaine  
05 = Great Lakes Group  
06 = Vanguard Group

07 = Salinas Group  
08 = Eastern (Ithaca) Group  
09 = Stem

10 = Latin  
11 = Other (Specify) \_\_\_\_\_

(a1)   *06*

(c1)   *06*

(c2)

2. SEED:

(a1)   *2* } COLOR  
(c1)   *2* } 1 = White (Silver Gray)  
2 = Black (Grey Brown)  
(c2)   } 3 = Brown (Amber)

(a1)   *2* } LIGHT DORMANCY  
(c1)   *2* } 1 = Light Required  
2 = Light Not Required  
(c2)

(a1)   *1* } HEAT DORMANCY  
(c1)   *1* } 1 = Susceptible  
2 = Not Susceptible  
(c2)

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day-old seedling grown under optimal conditions.

SHAPE OF COTYLEDONS: 1 = Broad

2 = Intermediate

3 = Spatulate

(a1)   *2*

(c1)   *2*

(c2)

SHAPE OF FOURTH LEAF:

(a1)   *3*

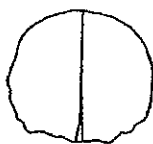
(c1)   *3*

(c2)

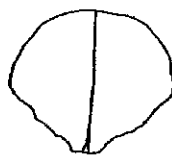
## 3. COTYLEDON TO FOURTH LEAF STAGE: (continued)



1. Transverse oval



2. Round



3. Oval



4. Elongated



5. Lanceolate



6. Pinnately lobed

## LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

(a1) (c1) (c2) 

## APICAL MARGIN:

1 = Entire  
2 = Crenate/Gnawed  
3 = Finely Dentate

4 = Moderately Dentate  
5 = Coarsely Dentate  
6 = Incised

7 = Lobed  
8 = Other (Specify) \_\_\_\_\_

(a1) (c1) (c2) 

## BASAL MARGIN: (Use the options for Apical Margin above)

(a1) (c1) (c2) 

## UNDULATION:

1 = Flat

2 = Slight

3 = Medium

4 = Marked

(a1) (c1) (c2) 

## GREEN COLOR:

1 = Yellow Green  
2 = Light Green

3 = Medium Green  
4 = Dark Green

5 = Blue Green  
6 = Silver Green

7 = Grey Green

(a1) (c1) (c2) 

## ANTHOCYANIN:

## DISTRIBUTION:

1 = Absent  
2 = Margin Only

3 = Spotted  
4 = Throughout

5 = Other (Specify) \_\_\_\_\_

(a1) (c1) (c2) 

## CONCENTRATION:

1 = Light

2 = Moderate

3 = Intense

(a1) (c1) (c2) 

## ROLLING:

1 = Absent

2 = Present

(a1) (c1) (c2) 

## CUPPING:

1 = Uncupped

2 = Slight

3 = Markedly

(a1) (c1) (c2) 

## REFLEXING:

1 = None

2 = Apical Margin

3 = Lateral Margins

(a1) (c1) (c2)

**4. MATURE LEAVES** (Observe Harvest-Mature Outer Leaves)

NOTE: Provide color photo of a harvest-mature leaf which accurately shows color and margin characteristics.

**MARGIN:****INCISION DEPTH:**  
(deepest penetration  
of the margin)

1 = Absent/Shallow (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Deep (Great Lakes 659)

(a1)

☒

(c1)

☒

(c2)

☐**INDENTATION:** (Finest divisions of the margin)

1 = Entire (Dark Green Boston)

4 = Crenate (Vanguard)

2 = Shallowly Dentate (Great Lakes 65)

5 = Other (Specify) \_\_\_\_\_

3 = Deeply Dentate (Great Lakes 659)

(a1)

☒

(c1)

☒

(c2)

☐**UNDULATIONS OF THE  
APICAL MARGIN:**

1 = Absent/Slight (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Strong (Great Lakes 659)

(a1)

☒

(c1)

☒

(c2)

☐**GREEN COLOR:**

1 = Very Light Green (Bibb)

3 = Medium Green (Great Lakes)

5 = Very Dark Green

2 = Light Green (Minetto)

4 = Dark Green (Vanguard)

6 = Other (Specify) \_\_\_\_\_

(a1)

☒

(c1)

☒

(c2)

☐**ANTHOCYANIN:****DISTRIBUTION:**

1 = Absent

3 = Spotted (California Cream Butter)

5 = Other (Specify) \_\_\_\_\_

2 = Margin Only (Big Boston)

4 = Throughout (Prize Head)

(a1)

☒

(c1)

☒

(c2)

☐**CONCENTRATION:**

1 = Light (Iceberg)

2 = Moderate (Prize Head)

3 = Intense (Ruby)

(a1)

☒

(c1)

☒

(c2)

☐**SIZE:**

1 = Small

2 = Medium

3 = Large

(a1)

☒

(c1)

☒

(c2)

☐**GLOSSINESS:**

1 = Dull (Vanguard)

2 = Moderate (Salinas)

3 = Glossy (Great Lakes)

(a1)

☒

(c1)

☒

(c2)

☐**BLISTERING:**1 = Absent/Slight  
(Salinas)2 = Moderate  
(Vanguard)3 = Strong  
(Prize Head)

(a1)

☒

(c1)

☒

(c2)

☐**LEAF THICKNESS:**

1 = Thin

2 = Intermediate

3 = Thick

(a1)

☒

(c1)

☒

(c2)

☐**TRICHOMES:**

1 = Absent (Smooth)

2 = Present (Spiny)

(a1)

☒

(c1)

☒

(c2)

☐**5. PLANT:****SPREAD OF FRAME LEAVES:**

(a1)

☒

cm

(c1)

☒

cm

(c2)

☐

cm

## 5. PLANT: (continued)

## HEAD DIAMETER: (Market Trimmed with Single Cap Leaf)

(a1) 116 cm

(c1) 15 cm

(c2)   cm

## HEAD SHAPE:

1 = Flattened

3 = Spherical

5 = Non-Heading

2 = Slightly Flattened

4 = Elongate

6 = Other (Specify) \_\_\_\_\_

(a1) 03

(c1) 03

(c2)  

## HEAD SIZE CLASS:

1 = Small

2 = Medium

3 = Large

(a1) 03

(c1) 03

(c2)  

## HEAD PER CARTON:

(a1) 24

(c1) 24

(c2)  

## HEAD WEIGHT:

(a1) 1102 g.

(c1) 1003 g.

(c2)     g.

## HEAD FIRMNESS:

1 = Loose

2 = Moderate

3 = Firm

4 = Very Firm

(a1) 3

(c1) 3

(c2) 

## 6. BUTT:

## SHAPE:

1 = Slightly Concave

2 = Flat

3 = Rounded

(a1) 3

(c1) 3

(c2) 

## MIDRIB:

1 = Flattened (Salinas)

2 = Moderately Raised

3 = Prominently Raised (Great Lakes 659)

(a1) 1

(c1) 1

(c2) 

## 7. CORE:

## DIAMETER AT BASE OF HEAD:

(a1) 40 mm

(c1) 37 mm

(c2)   mm

## RATIO OF HEAD DIAMETER/CORE DIAMETER:

(a1) 04.0

(c1) 04.0

(c2)   

## CORE HEIGHT FROM BASE OF HEAD TO APEX:

(a1) 55 mm

(c1) 50 mm

(c2)   mm8. BOLTING: (Give First Water Date: 8/25/05) NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

## NUMBER OF DAYS FROM FIRST WATER DATE TO SEED STALK EMERGENCE: (summer conditions)

(a1) 083

(c1) 085

(c2)   

## BOLTING CLASS:

1 = Very Slow

3 = Medium

5 = Very Rapid

2 = Slow

4 = Rapid

(a1) 2

(c1) 2

(c2) 

## HEIGHT OF MATURE SEED STALK:

1103

096

(a1) cm (c1) cm (c2) cm

## 8. BOLTING: (continued)

## SPREAD OF BOLTER PLANT: (At widest point)

(a1) 40 cm (c1) 43 cm (c2)  cm

## BOLTER LEAVES: 1 = Straight 2 = Curved

(a1) 1 (c1) 1 (c2) ☐

## MARGIN: 1 = Entire 2 = Dentate

(a1) 2 (c1) 2 (c2) ☐

## COLOR: 1 = Light Green 2 = Medium Green 3 = Dark Green

(a1) 2 (c1) 1 (c2) ☐

## BOLTER HABIT:

## TERMINAL INFLORESCENCE: 1 = Absent 2 = Present

(a1) 2 (c1) 2 (c2) ☐

## LATERAL SHOOTS: 1 = Absent 2 = Present

(a1) 1 (c1) 1 (c2) ☐

## BASAL SIDE SHOOTS: 1 = Absent 2 = Present

(a1) 1 (c1) 1 (c2) ☐

## 9. MATURITY: (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	APPLICATION VARIETY No. of Days <sup>1</sup>			MOST SIMILAR VARIETY No. of Days <sup>1</sup>			STANDARD REGIONAL CHECK VARIETY No. of Days <sup>1</sup>		
Spring									
Summer									
Fall Huron CA	0	6	5	0	6	7			
Winter Fall AZ	0	8	5	0	8	3			

<sup>1</sup> First Water Date to Harvest

Give Planting Date(s) and Location(s):

Spring: \_\_\_\_\_

Summer: \_\_\_\_\_

Fall: 8/25/2005 Huron, CA

Winter: 9/22/2004 Desert CA, AZ

## 10. ADAPTATION:

## PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

0 = Not Tested 1 = Not Adapted 2 = Adapted

☒ 2

Southwest (CA and/or AZ desert)

☐

West Coast

☐

Northeast

North Central

Southeast

Other (Specify) \_\_\_\_\_

12

## 10. ADAPTATION: (Continued)

## SEASON:

☐ Spring (Area \_\_\_\_\_)☐ Summer (Area \_\_\_\_\_)☒ Fall (Area CA, AZ Desert)☐ Winter (Area \_\_\_\_\_)

GREENHOUSE: 0 = Not Tested

1 = Not Adapted

2 = Adapted



SOIL TYPE: 1 = Mineral

2 = Organic

3 = Both

## 11. VIRAL DISEASES:

1 = Immune

3 = Resistant

5 = Moderately Resistant/Moderately Susceptible

7 = Susceptible

9 = Highly Susceptible

Big Vein

(a1)

☐

(c1)

☐

(c2)

☐

Lettuce Mosaic

(a1)

☒

(c1)

☒

(c2)

☐

Cucumber Mosaic

(a1)

☐

(c1)

☐

(c2)

☐

Tomato Bushy Stunt, cause of dieback

(a1)

☐

(c1)

☐

(c2)

☐

Turnip Mosaic

(a1)

☐

(c1)

☐

(c2)

☐

Beet Western Yellows

(a1)

☐

(c1)

☐

(c2)

☐

Lettuce Infectious Yellows

(a1)

☐

(c1)

☐

(c2)

☐

Other (Specify) \_\_\_\_\_

(a1)

☐

(c1)

☐

(c2)

☐

## 12. FUNGAL/BACTERIAL DISEASES:

1 = Immune

3 = Resistant

5 = Moderately Resistant/Moderately Susceptible

7 = Susceptible

9 = Highly Susceptible

Corky Root Rot

(Races: \_\_\_\_\_)

(a1)

☐

(c1)

☐

(c2)

☐

Downy Mildew

(Races: \_\_\_\_\_)

(a1)

☐

(c1)

☐

(c2)

☐

Powdery Mildew

(a1)

☐

(c1)

☐

(c2)

☐

Sclerotinia Drop

(a1)

☐

(c1)

☐

(c2)

☐

Bacterial Soft Rot

(Pseudomonas spp. and others)

(a1)

☐

(c1)

☐

(c2)

☐

Botrytis (Grey Mold)

(a1)

☐

(c1)

☐

(c2)

☐

Verticillium Wilt

(a1)

☐

(c1)

☐

(c2)

☐

Bacterial Leaf Spot

(a1)

☐

(c1)

☐

(c2)

☐

Anthracnose

(a1)

☐

(c1)

☐

(c2)

☐

Other (Specify) \_\_\_\_\_

(a1)

☐

(c1)

☐

(c2)

☐

## 13. INSECTS:

1 = Immune

3 = Resistant

5 = Moderately Resistant/Moderately Susceptible

7 = Susceptible

9 = Highly Susceptible

Cabbage Loopers

(a1)

☐

(c1)

☐

(c2)

☐

Root Aphids

(a1)

☐

(c1)

☐

(c2)

☐

Green Peach Aphid

(a1)

☐

(c1)

☐

(c2)

☐

Lettuce Aphid

(a1)

☐

(c1)

☐

(c2)

☐

Pea Leafminer	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

**14. PHYSIOLOGICAL STRESSES:**

1 = Immune      3 = Resistant      5 = Moderately Resistant/Moderately Susceptible      7 = Susceptible      9 = Highly Susceptible

Tipburn	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Heat	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Drought	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Cold	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Salt	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Brown Rib (Rib Discoloration, Rib Blight)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Other (Specify) _____	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

**15. POST HARVEST STRESS:**

1 = Immune      3 = Resistant      5 = Moderately Resistant/Moderately Susceptible      7 = Susceptible      9 = Highly Susceptible

Pink Rib	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Russet Spotting	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Rusty Brown Discoloration	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Internal Rib Necrosis (Blackheart, Grey Rib, Grey Streak)	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>
Brown Stain	(a1)	<input type="checkbox"/>	(c1)	<input type="checkbox"/>	(c2)	<input type="checkbox"/>

**16. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:**

## 17. COMMENTS:

## SUGGESTED CHECK VARIETIES

<u>TYPE</u>	<u>CHECK VARIETY</u>
1 Cutting/Leaf	Waldmann's Green
2 Butterhead	Dark Green Boston
3 Bibb	Bibb
4 Cos or Romain	Parris Island
5 Great Lakes Group	Great Lakes 659-700
6 Vanguard Group	Vanguard
7 Salinas Group	Salinas
8 Eastern Group	Ithaca
9 Stem	Celtuce
10 Latin	Little Gem

## REFERENCES

- Bowring, J.D.C., 1969, "The Identification of Varieties of Lettuce (*Lactuca Sativa* L.)". Journal of the National Institute of Agricultural Botany 11:499-520. National Institute of Agricultural Botany, Cambridge, UK.
- Davis, R.M., K.V. Subbarao, R.N. Raid, and E.A. Kurtz, 1997. "Compendium of Lettuce Diseases". APS Press, St. Paul, MN.
- Michelmore, R.W., J. M. Norwood, D.S. Ingram, I.R. Crute and P. Nicholson. 1984. "The inheritance of virulence in *Bremia lactucae* to match resistance factors 3, 4, 5, 6, 8, 9, 10, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Norwood, J.M., R.W. Michelmore, I.R. Crute and D.S. Ingram. 1983. "The inheritance of specific virulence of *Bremia lactucae* (Downy Mildew) to match R-factors 1, 2, 4, 6, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Rodenburg, C.M., et al., 1960. "Varieties of Lettuce. An International Monograph", Instituut voor de Verdeling van Tuinbouwgewassen (IVT), Wageningen, NL.
- Ryder, E.J., 1999, *Lettuce, Endive, and Chicory*, CABI Publications, Wallingford, UK.



**Exhibit C**  
**Objective Description of cv. Sidewinder**



Photographs of the fourth leaf from 20-day-old cv. Sidewinder seedling grown in the greenhouse under optimal conditions.

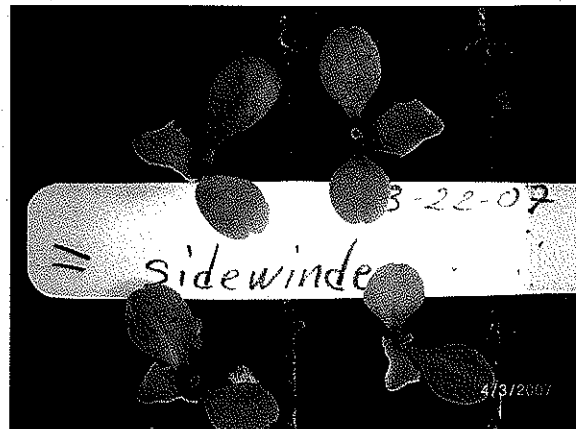
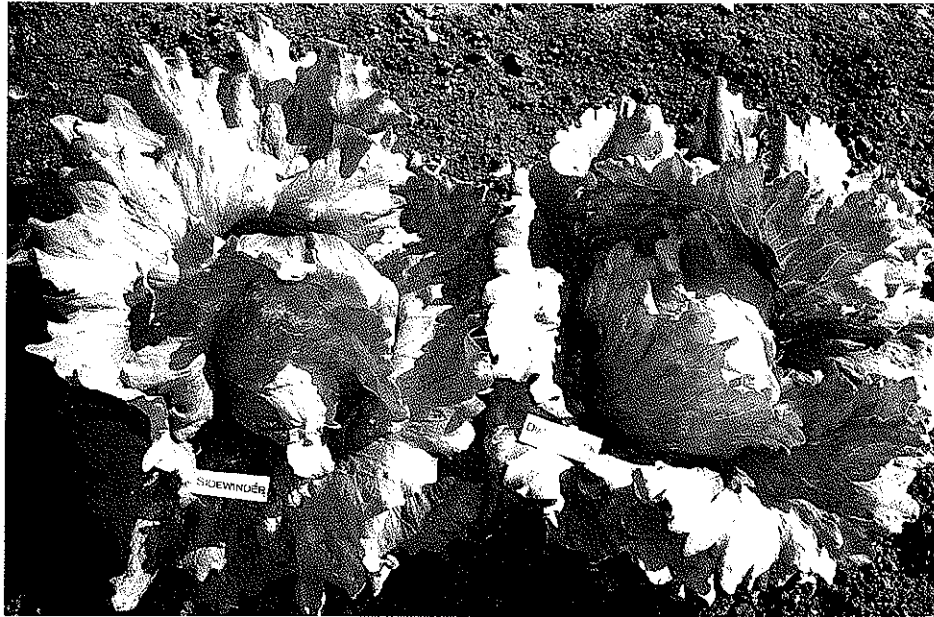


Photo of cv. Sidewinder at cotyledon stage.

**Exhibit D****Additional Description of cv. Sidewinder**

Photo of cv. Sidewinder head appearances at harvest stage. Photo taken  
San Joaquin Valley, CA 11/3/2005



Cv. Sidewinder (L) and cv. Diamond Back (R) head appearances at harvest stage. Photos taken San Joaquin Valley, CA 11/3/2005

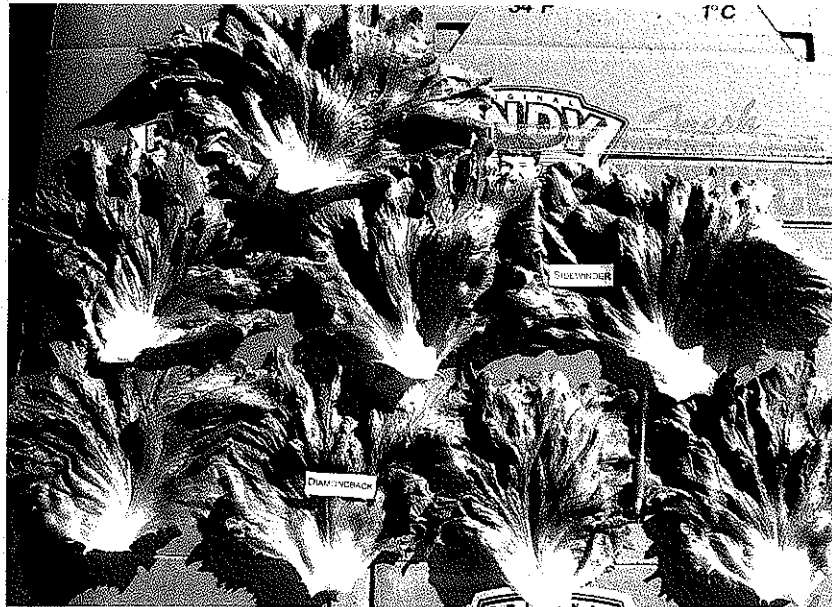


Cv. Sidewinder (top) and cv. Diamond Back (bottom) butt appearances at harvest stage. Photo taken San Joaquin Valley, CA 11/3/2005



Interior leaf growth and formation of cv. Sidewinder (top) and cv. Diamond Back (bottom) at harvest stage. Photo taken San Joaquin Valley, CA 11/3/2005

A.



B.



Topside (A) and underside (B) photos of cv. Sidewinder and cv. Diamond Back mature leaves at harvest ready stage. In each photo, the four top leaves are Sidewinder and the four bottoms are Diamond Back. Photos taken San Joaquin Valley, CA 11/3/2005



**Cv. Sidewinder crisphead lettuce at seed stage. Central Valley Seeds' commercial seed production field, Five Points, California.**

**Exhibit E. Statement of the Basis of Applicant's Ownership  
(Attachment)**

July 16, 2007

Plant breeders Tony M. Avila and Adolfo Mederos have developed the lettuce cv. Sidewinder that has been entered in this Plant Variety Protection application for Central Valley Seeds, Inc.



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  CENTRAL VALLEY SEEDS, INC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  CVX-85-M	3. VARIETY NAME  SIDEWINDER
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  485 VICTOR WAY, SUITE 10 SALINAS, CA 93907	5. TELEPHONE (Include area code)  (831) 757-0939	6. FAX (Include area code)  (831) 757-6829
7. PVPO NUMBER  <b>#200700375</b>		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒

YES

☐

NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒

YES

☐

NO

10. Is the applicant the original owner?

☒

YES

☐

NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐

YES

☐

NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐

YES

☐

NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO 0581-0055

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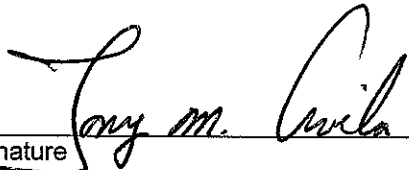
**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT F  
DECLARATION REGARDING DEPOSIT**

<b>NAME OF OWNER (S)</b> CENTRAL VALLEY SEEDS, INC.	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 485 VICTOR WAY, SUITE 10 SALINAS, CA 93907	<b>TEMPORARY OR EXPERIMENTAL DESIGNATION</b> CVX-85M
<b>NAME OF OWNER REPRESENTATIVE (S)</b> TONY M. AVILA	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 485 VICTOR WAY, SUITE 10 SALINAS, CA 93907	<b>VARIETY NAME</b> SIDEWINDER  <b>FOR OFFICIAL USE ONLY</b>  <b>PVPO NUMBER</b> #200700375

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature



Date

07-16-07

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